

#5500
03/08/2022

(R-2022-349)

RESOLUTION NUMBER R- 313976

DATE OF FINAL PASSAGE MAR 08 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO RECONSIDERING THE CIRCUMSTANCES OF
THE STATE OF EMERGENCY RELATED TO COVID-19 AND
MAKING FINDINGS TO CONTINUE TELECONFERENCING
PUBLIC MEETINGS PURSUANT TO THE RALPH M.
BROWN ACT.

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first
detected in other countries in December 2019; and

WHEREAS, COVID-19 symptoms include fever, cough, and shortness of breath, and
those who have been afflicted have experienced anything from mild illness to death; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) considers COVID-19
to be a very serious public health threat, and the World Health Organization declared the
COVID-19 outbreak to be a global pandemic; and

WHEREAS, on February 19, 2020, the County Board of Supervisors ratified a
declaration of local health emergency related to COVID-19 that remains in effect today; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of
emergency in California as a result of the threat of COVID-19 that remains in effect today; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego proclaimed the
existence of a local emergency related to the COVID-19 threat, which was ratified by the City
Council on March 17, 2020, and remains in effect today; and

WHEREAS, since March 2020, the California Governor, the County of San Diego Public Health Official, and the Mayor of San Diego have all issued directives and guidance that impact residents of San Diego; and

WHEREAS, the Governor's Executive Orders N-25-20 and N-29-20, issued on March 12, 2020 and March 17, 2020, respectively, suspended provisions of the Ralph M. Brown Act (Brown Act) related to teleconferencing of meetings, permitting local jurisdictions to hold public meetings via teleconferencing and allowing members of the public to observe and address the meeting telephonically or otherwise electronically; and

WHEREAS, the Governor's Executive Orders N-08-21 and N-15-21, issued on June 11, 2021 and September 20, 2021, respectively, extended the suspension of the Brown Act provisions through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361, which provides that a local agency may use revised teleconferencing rules in California Government Code section 54953(e), if the legislative body makes certain findings considering the circumstances of the state of emergency and those findings are reconsidered every 30 days; and

WHEREAS, as of December 9, 2021, the first case of the Omicron variant was detected in San Diego according to the San Diego County health officials; and

WHEREAS, according to the CDC's Levels of Community Transmission data, California and San Diego County have "high transmission" levels of COVID-19 as of March 1, 2022; and

WHEREAS, according to the County of San Diego COVID-19 Watch – Weekly Coronavirus Surveillance Report, during the week of February 6, 2022 through February 12, 2022, there were 11,743 cases and 108 deaths and during the week of February 13, 2022 through February 19, 2022, there were 7,283 cases and 80 deaths; and

WHEREAS, according to the California Department of Public Health, “the risk for COVID-19 exposure and infection continues as a number of Californians remain unvaccinated and unboosted”; and

WHEREAS, effective March 1, 2022, the requirement for unvaccinated persons to mask in indoor public settings and businesses was replaced by a strong recommendation that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses; and

WHEREAS, the mask mandate will still be in effect in certain high risk settings and the use of high filtration masks continue to be highly encouraged to reduce transmission of COVID-19; and

WHEREAS, County Public Health Officer, Dr. Wilma Wooten, urged “that even with declining case numbers, residents should still take steps to avoid getting COVID-19;” and

WHEREAS, the state of emergency continues to directly impact the ability of the City Council members and public to meet safely in person; and

WHEREAS, the public health and safety of attendees at public hearings in the City is of the utmost importance; and

WHEREAS, under San Diego Charter section 280(a)(1), this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW,

THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, and also sitting as the legislative body of the Housing Authority of the City of San Diego and of the Public Facilities Financing Authority, as follows:

1. That the recitals set forth above are true and correct and form the basis for the findings of this Resolution.
2. That the Council finds that there is an existing proclaimed state of emergency and the state of emergency continues to directly impact the ability of members to meet safely in person.
3. That to the extent legally permissible, this finding applies to all boards, commissions, and committees of the City of San Diego, including those established by the City Council or where the City Council sits as the legislative body of the applicable entity and are subject to the Brown Act, and further to all City boards, commissions, and committees created under the City Charter and those that comply with the Brown Act under direction from the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney

HMF:sc
03/03/2022
Or.Dept: Council
Doc. No.: 2908082

Passed by the Council of The City of San Diego on MAR 08 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 08 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313976